

110TH CONGRESS  
2D SESSION

# H. R. 3971

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IN THE SENATE OF THE UNITED STATES

JANUARY 24, 2008

Received; read twice and referred to the Committee on the Judiciary

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## AN ACT

To encourage States to report to the Attorney General certain information regarding the deaths of individuals in the custody of law enforcement agencies, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Death in Custody Re-  
3 porting Act of 2008”.

4 **SEC. 2. INFORMATION REGARDING INDIVIDUALS WHO DIE**  
5 **IN THE CUSTODY OF LAW ENFORCEMENT.**

6       (a) IN GENERAL.—For each fiscal year after the ex-  
7 piration of the period specified in subsection (b)(1) in  
8 which a State receives funds for a program referred to  
9 in subsection (b)(2), the State shall report to the Attorney  
10 General, on a quarterly basis and pursuant to guidelines  
11 established by the Attorney General, information regard-  
12 ing the death of any person who is detained, under arrest,  
13 or is in the process of being arrested, is en route to be  
14 incarcerated, or is incarcerated at a municipal or county  
15 jail, State prison, State-run boot camp prison, boot camp  
16 prison that is contracted out by the State, any State or  
17 local contract facility, or other local or State correctional  
18 facility (including any juvenile facility) that, at a min-  
19 imum, includes—

20           (1) the name, gender, race, ethnicity, and age  
21       of the deceased;

22           (2) the date, time, and location of death;

23           (3) the law enforcement agency that detained,  
24       arrested, or was in the process of arresting the de-  
25       ceased; and

1           (4) a brief description of the circumstances sur-  
2           rounding the death.

3           (b) COMPLIANCE AND INELIGIBILITY.—

4           (1) COMPLIANCE DATE.—Each State shall have  
5           not more than 30 days from the date of enactment  
6           of this Act to comply with subsection (a), except  
7           that—

8                   (A) the Attorney General may grant an ad-  
9                   ditional 30 days to a State that is making good  
10                  faith efforts to comply with such subsection;  
11                  and

12                   (B) the Attorney General shall waive the  
13                  requirements of subsection (a) if compliance  
14                  with such subsection by a State would be un-  
15                  constitutional under the constitution of such  
16                  State.

17           (2) INELIGIBILITY FOR FUNDS.—For any fiscal  
18           year after the expiration of the period specified in  
19           paragraph (1), a State that fails to comply with sub-  
20           section (a) shall not receive 10 percent of the funds  
21           that would otherwise be allocated for that fiscal year  
22           to the State under subpart 1 of part E of title I of  
23           the Omnibus Crime Control and Safe Streets Act of  
24           1968 (42 U.S.C. 3750 et seq.), whether character-  
25           ized as the Edward Byrne Memorial State and Local

1 Law Enforcement Assistance Programs, the Local  
2 Government Law Enforcement Block Grants Pro-  
3 gram, the Edward Byrne Memorial Justice Assist-  
4 ance Grant Program, or otherwise.

5 (c) REALLOCATION.—Amounts not allocated under a  
6 program referred to in subsection (b)(2) to a State for  
7 failure to fully comply with subsection (a) shall be reallo-  
8 cated under that program to States that have not failed  
9 to comply with such subsection.

10 (d) DEFINITIONS.—In this section the terms “boot  
11 camp prison” and “State” have the meaning given those  
12 terms, respectively, in section 901(a) of the Omnibus  
13 Crime Control and Safe Streets Act of 1968 (42 U.S.C.  
14 3791(a)).

15 **SEC. 3. STUDY OF INFORMATION RELATING TO DEATHS IN**  
16 **CUSTODY.**

17 (a) STUDY REQUIRED.—The Attorney General shall,  
18 subject to the availability of appropriations under sub-  
19 section (d), through grant or contract, provide for a study  
20 of the information reported under section 2 (regarding the  
21 death of any person who is detained, under arrest, or is  
22 in the process of being arrested, is en route to be incarcer-  
23 ated, or is incarcerated at a municipal or county jail, State  
24 prison, State-run boot camp prison, boot camp prison that  
25 is contracted out by the State, any State or local contract

1 facility, or other local or State correctional facility (includ-  
2 ing any juvenile facility)) to—

3 (1) determine means by which such information  
4 can be used to reduce the number of such deaths;  
5 and

6 (2) examine the relationship, if any, between  
7 the number of such deaths and the actions of man-  
8 agement of such jails, prisons, and other correctional  
9 facilities relating to such deaths.

10 (b) REPORT.—Not later than 2 years after the date  
11 of the enactment of this Act, the Attorney General shall  
12 prepare and submit to Congress a report that contains the  
13 findings of the study required by subsection (a).

14 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
15 authorized to be appropriated to carry out this section  
16 \$500,000 for fiscal year 2009. Funds appropriated under  
17 this subsection shall remain available until expended.

Passed the House of Representatives January 23,  
2008.

Attest: LORRAINE C. MILLER,  
*Clerk.*